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**County Recording Fee: \$12.00**  
**Iowa E-Filing Fee: \$3.22**  
**Combined Fee: \$15.22**  
**Toni Wilkinson , Recorder**  
**Revenue Tax:**  
**Franklin County, Iowa**

**Easement and Waiver of Separation Distance**  
Corrects document filed as instrument #20201965

Prepared by: Summit Pork II, LLP  
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1. Re: Grantor's property and residence located within the:

Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) and the East 26  $\frac{2}{3}$  acres of the West-Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ), all in Section Four (4), Township Ninety-two (92) North, Range Nineteen (19) West of the 5<sup>th</sup> P.M., Franklin County, Iowa. (Parcels 0804400007 and 0804400005)

2. And concerning Grantee's property and site of the Livestock Facility located in the:

Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Four (4), Township Ninety-two (92) North, Range Nineteen (19) West of the 5<sup>th</sup> P.M., Franklin County, Iowa. (Parcels 0804400008 and 0804400009)

Grantees: SUMMIT PORK II, LLP

Grantors: DONNA L. WOLF

Easement and Waiver of Separation Distance

Grantor consents and acquiesces to the activities conducted on Grantee's property, the construction and operation of a Swine Facility and therefore covenants for themselves, and for Grantor's successors, heirs and assigns (as a restrictive covenant running with the land) to not make any claim or assert any cause of action against the Grantee or Grantee's successors, heirs and assigns for construction of a Swine Facility or its operation, including, without limitation, causes of action or claims for nuisance, trespass, easement or any other legal or equitable theory. Grantor further waives the enforcement of any county, state or federal regulation or law regarding the emission of any odors, gases, vapors or other airborne pollutants from the Swine Facility.

In addition and without limitation of the foregoing, Grantor grants to Grantee and Grantee's successors, heirs and assigns a perpetual easement (as an easement appurtenant running with the land) for the Swine Facility (as currently proposed as provided herein), on and over the Grantor's real estate for use by the Swine Facility to emit odors or other gases or vapors produced by the Swine Facility.

The undersigned are titleholders to the above-described property ('benefited property'), property # 1. Grantee is titleholder to the above-described property, property #2. DONNA L. WOLF plan to convey a portion of their property to Grantee to construct a Swine Facility with Two (2) confinement buildings with concrete manure storage structures located beneath each building (covered formed manure storage structures) on property #2. The Swine Facility is planned to have an animal unit capacity of 1996 animal units. Pursuant to Iowa Code §459.202(1) (2005), a separation distance of 1875 feet is required between the uncovered formed manure storage structure and the undersigned's land where the residence is located. Pursuant to Iowa Code §459.205(2) (2005), the undersigned as titleholders to the land where the residence is located hereby waive the enforcement of this separation distance requirement between the Grantors' residence and the uncovered formed manure storage structures. This waiver shall apply only to the facilities described in this agreement, shall be perpetual and shall run with the land.

Granted this 11th day of November, 20 20.

GRANTOR:  
DONNA L. WOLF

Donna L. Wolf  
DONNA L. WOLF

STATE OF Franklin COUNTY ) SS:

On this 11th day of November, 20 20, before me, a Notary Public in and for said state, personally appeared DONNA L. WOLF, to me known to be the person named in and who executed the foregoing instrument and acknowledged the execution to be their voluntary act and deed.

Randy D. Johansen  
Notary Public in and for said County and State  
Randy D. Johansen 199693

